



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0305 – Brunswick County**

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Impact: State Government: Yes
Local Government: No
Private Impact: Minimal
Substantial Impact: No

Authority: G.S. 75A-3: 75A-15

The proposed permanent amendment to 15A NCAC 10F .0305 - Brunswick County (APPENDIX 1) will add a no-wake zone in the waters of the Intracoastal Waterway (ICW), shore to shore from a point 150 yards east of the Sunset Boulevard bridge to a point 50 yards west of the bridge in the Town of Sunset Beach.

The Wildlife Resources Commission (WRC) initiated the request for rulemaking to mitigate hazards to boater safety. This area of the ICW is narrow and shallow. The WRC Boating Access Area (BAA) just east of the bridge is busy, with diminished sight lines coming east under the bridge. There have been boating incidents near the BAA as the result of vessels traveling at excessive speeds.

The WRC will mark the no-wake zone at an estimated cost of \$1,560.00. Of that cost, the agency will spend \$400.00 for the Coastal Area Management Act (CAMA) permit required under § 113A-118 before placing structures in waters in coastal counties. Two pilings will be placed by a contractor at a cost of \$500.00 for each piling. The \$1000.00 cost includes pilings and contractor labor to install the pilings. The WRC has purchased four no-wake signs, two signs on each piling, at a cost of \$40.00 each (\$40.00 x 4=\$160.00.) No additional cost for agency hours worked will be incurred, as placement of markers is the responsibility of the contractor.

State Impact Analysis: The WRC is responsible for purchase, placement, and maintenance of the markers for the Sunset Beach no-wake zone. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 and only if a marker is destroyed and must be replaced.

Local Impact Analysis: None.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted in the waters of the ICW in the vicinity of the bridge and the BAA. However, the benefit of that restriction is increased boater safety.

Substantial Economic Impact: There will be no substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (1) ~~Lockwoods Folly River. An area on that portion of the Lockwood- Lockwoods Folly River in the Town of Varnamtown, beginning 1500 feet from a point at 33.94966 N, 78.22587 W 500 yards north northwest of the boat ramp located at the end of State Road 1123- SR 1123 otherwise known as Fisherman Road, and extending downstream to a point 800 feet- at 33.94498 N, 78.22206 W, 180 yards southeast south of said the boat ramp- ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W; beginning at its intersection with the Lockwood Folly River and extending upstream for 100 feet.~~
- (2) ~~Calabash River. An area located on the Calabash River beginning 100 feet west of the Billy Cox Landing and extending 100 feet east of Captain Harry's Landing, in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;~~
- (3) ~~State Port Authority Small Boat Harbor. Beginning at the Intracoastal Waterway on the easterly side of the North Carolina State Port Authority Small Boat Harbor; thence runs along and with the easterly boundary of the said boat harbor basin and along the northerly boundary and westerly boundary thereof to a point at the intersection of the westerly boundary of said boat harbor with the highwater mark of the Intracoastal Waterway; runs thence in an easterly direction with the highwater mark of the Intracoastal Waterway to the place and point of beginning, and being the entire small boat harbor in Southport. the The Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;~~
- (4) ~~Shalotte River. The portion of the Shalotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of Shalotte, shore to shore from beginning at its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W and extending from the northern boundary of the Intracoastal Waterway for a distance of 500 feet to the north, to be marked by appropriate markers, to point 500 feet north at 33.91613 N, 78.37126 W;~~
- (5) ~~Big Davis Creek. That part of Montgomery Slough otherwise known as Big Davis Creek Creek, within 100 yards of Sportsman Inn at Blue Water Point Marina near Long Beach, the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;~~
- (6) ~~Town of Ocean Isle Beach. Those the The waters in the natural and concrete canals, both natural and concrete, which are canals located on the south side of the Intracoastal Waterway Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach.~~
- (7) ~~Town Creek. The 200 yard portion of Town Creek lying in Town Creek Colony as delineated by no wake zone markers, east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;~~
- (8) ~~Town of Oak Island. That part of Montgomery Slough, otherwise known as Big Davis Canal within the Town of Oak Island- Creek, shore to shore from its starting with the entrance from at the Intracoastal Waterway at the end west of SW Yacht Drive SW at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island; and upstream to the canal end at 40th Street, NE.~~
- (9) ~~Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W.~~

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. ~~Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the~~ The following agencies are ~~the~~ designated suitable agencies for the placement and maintenance of markers implementing this Rule: ~~Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:~~

- (1) ~~The Board of Aldermen of Varnamtown as to for~~ areas indicated in Paragraph (a), Subparagraph (1) of this Rule: Rule;
- (2) ~~The Board of Commissioners of Brunswick County as to for~~ areas indicated in Paragraph (a), Subparagraphs (2) - (8) of this Rule: Rule; and
- (3) ~~The North Carolina Wildlife Resources Commission for the area indicated in Paragraph (a), Subparagraph (9) of this Rule.~~

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;
Temporary Amendment Eff. March 1, 1998;
Amended Eff. April 1, 2009; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016.*